

REMARKS

The Applicants appreciate the Examiner's thorough examination of the subject application. Applicants request reconsideration of the subject application based on the following remarks.

Claims 1-6 are pending in the application. Claims 5 and 6 have been cancelled.

Applicants reserve the right to pursue subject matter cancelled from the amended claims in this or a subsequent application. Applicants expressly reserve the right to pursue the subject matter of the cancelled claims in this or a subsequent application.

Claims 1 – 6 have been rejected under 35 USC 101 and 35 USC 112 for lacking utility and for not being supported by a substantial utility, respectively. The rejections are respectfully traversed. The claimed invention only needs to have one utility and the utility is apparent to one of skill in the art, e.g., transport of amino acids into cells and for medical research into the causes of diseases related to amino acid transport (page 6). Thus, the claimed invention has a substantial utility and one of skill in the art having the benefit of the disclosure would know how to make and use the claimed invention. Accordingly, Applicants request withdrawal of the rejections and allowance of the claims.

Claims 1 – 6 are rejected under 102(b) over Gaugitsch and under 102(e) over Hillman. Applicants respectfully traverse the rejection. As amended the claims are not anticipated by Gaugitsch or Hillman because neither Hillman nor Gaugitsch disclose or suggest the entire sequences of SEQ ID NOs: 2 or 4. Instead, the references only disclose a small portion of SEQ ID NOs: 2 and 4. Contrary to the Examiner's assertion, there is no teaching in Hillman that leads to the conclusion that the fragment of protein taught would have the same activity as the protein encoded by the claimed nucleic acids. Accordingly, Applicants request withdrawal of the rejection and allowance of the claims.

Early consideration of the application and claims as amended is earnestly solicited.

Applicants request a one (1) month extension of time to extend the time of response to December 29 2005. Although it is not believed that any additional fees are needed to consider this submission, the Examiner is hereby authorized to charge our deposit account no. 04-1105 should any fee be deemed necessary.

Respectfully submitted,

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